



U.S. Citizenship and Immigration Services

Glossary of Frequently Used Terms in the Adoption Process in Guatemala

This Glossary is intended to assist in the explanation and/ or definition of frequently used terms in the adoption process in Guatemala. The Glossary is divided in three main parts: Agencies, Forms/Documents, and Terms.

AGENCIES

1. **Department of Homeland Security (DHS): US Citizenship and Immigration Services (USCIS):** responsible for approving I-600 A and I-600 petitions. In some instances, USCIS may delegate this authority to the Department of State. USCIS is also responsible for sending Cable notifications for USCIS-Guatemala and United States Department of State Consular Section of child's eligibility for visa. USCIS-Guatemala is responsible for issuing pre-approvals and approving most I-600s; as well as responsible for approving I-600 A for US citizens living in Guatemala or Belize.
2. **United States Department of State Consular Section:** responsible for issuing visa appointment and visa. Once USCIS has approved a Form I-600, the adoptive parents may file an immigrant visa application on the child's behalf with the Consular Section.
3. **'Juzgado de la Familia':** (similar to Social Services) Guatemalan government Entity responsible for investigating the adoption request through a social worker.
4. **'PGN (Procuraduría General de la Nación)':** (the equivalent to the Solicitor General's office), Guatemalan Government entity responsible for reviewing cases and issuing approval to complete the Notarial Decree of Adoption or 'Escritura Final de Adopción'.
5. **Guatemalan Judicial System:** Guatemalan Government entity. If the PGN denies an adoption, local attorneys may request a ruling from a Judge to approve an adoption. This Court also issued a Decree of Abandonment used in cases of abandoned orphans.
6. **'Registro Civil':** Civil Registry. Guatemalan Government entity. Issues birth certificates including new birth certificate of adoptive child with names of adoptive parents.
7. **'Dirección del Archivo General de Protocolos':** Guatemalan Government entity responsible for ratifying/ recognizing the Notarial Decree of Adoption or 'Escritura Final de Adopción'.

FORMS/ DOCUMENTS

1. **I-600 A:** USCIS petition for Advance Processing of Orphan Petition form filed by adoptive parents at the USCIS office having jurisdiction over their residence. Purpose is to determine parents' eligibility to adopt. Often used as a pre-approval for an I-600.

2. **I-600:** USCIS petition. Petition to Classify Orphan as an Immediate Relative filed by adoptive parents at the USCIS office having jurisdiction over petitioner's residence or at the USCIS office overseas having jurisdiction over the child's residence. Approval is a Cable 37 (if the adoptive parent will be accompanying the child to travel to the US) or Cable 39 (if an escort -rather than the adoptive parents-will travel with the child to the US).
3. **Form I-171H:** USCIS form. Notice of Favorable Determination Concerning Petitions for Advance Processing of Orphan Petition (I-600A). Valid for 18 months.
4. **Form I-171:** USCIS form. Notice of Approval of Relative Immigrant Visa Petition (sent to petitioning parent when the I-600 orphan petition is approved).
5. **Form FD-258:** USCIS form. Applicant Fingerprint Card. Used to obtain fingerprints of the adoptive or prospective adoptive parent(s) and each adult member of the adoptive or prospective adoptive parents' household.
6. **G- 28:** USCIS form used to notify USCIS that an attorney is representing a petitioner or adopting parent (s). This form must be signed by the adopting parent(s) and specify the name of attorney/ representative of the case. This form entitles the attorney/representative to act on the behalf of the adopting parent(s).
7. **I-72:** USCIS form used to notify attorney of a USCIS request for documents or any other requirement for the case.
8. **HIV Test:** requirement for USCIS pre-approval. Test should be performed by a physician member of the Embassy authorized Panel of Physicians. All children must be tested for HIV. If the child is under one-year-old USCIS also requires an HIV test from the relinquishing parent.
9. **USCIS Pre-approval or 'Consentimiento':** Form signed by biological mother (if relinquishment case) or by tutor (if abandonment case) giving up legal custody of the child. If the case is a relinquishment, the form includes a section for DNA test results. If the case is an abandonment case the form does not include a section on DNA. After USCIS reviews the case the officer signs it and issues a 'pre-approval'. The attorney usually picks up at the US Embassy and then the case can be submitted to PGN.
10. **Notice of Intent to Deny (NOID):** Letter sent from USCIS- Guatemala to prospective adoptive parents to inform them of the "Intent to Deny" approval of their case. The NOID is issued if USCIS has evidence that the child is ineligible (either the child does not meet the definition of orphan, there is fraud in the case, or the child is ineligible for migration to the USA).
11. **Fingerprints:** USCIS needs verification of valid fingerprints to issue pre-approvals and approve I-600 A and I-600. The FBI's clearance on an individual's fingerprints is valid for 15 months. Everyone in the household of the adopting parent(s) that is over 18 years old must have their fingerprints take.
12. **Adjudications Officer:** USCIS officer responsible for adjudicating any USCIS petition.
13. **Consular Officer:** U.S. Department of State Officer responsible for issuing Immigrant visa.
14. **Immigrant visa:** there are two types of visas issued by the State Department for adopted orphan children, IR-3 and IR-4.

15. **Power of Attorney:** legal document in which parents authorize another person to represent and act on their behalf during the adoption process. The authorized person is called an “attorney-in-fact”. Strictly speaking it is not always the case that a person granted a power of attorney is an attorney at law, but in Guatemalan adoption cases, the person granted the power or attorney is usually a Guatemalan attorney at law.
16. **‘Protocolización del Mandato de Representación’:** local attorney registers the power of attorney with the ‘Procuraduría general de la Nación’ (PGN).
17. **‘Resolución Notarial’:** document issued by PGN, which authorizes the local attorney to complete the Notarial Decree of Adoption or ‘Escritura Final de Adopción’.
18. **Notarial Decree of Adoption or ‘Escritura Final de Adopción’:** deed signed by surviving parent or tutor finalizing the adoption and changing the child’s last name. There are some instances in which the relinquishing parent has given the authority to a third party to complete the Adoption Deed. In these cases, the attorney must provide a power of attorney in which the relinquishing parent gives the legal authority to the third party to complete the adoption deed. All Decrees must be recognized and stamped by the ‘Dirección del Archivo General de Protocolos’.
19. **Decree of Abandonment:** deed issued by the Guatemalan Courts stating that a child has been abandoned and declaring this child an orphan. An adoption of an abandoned child (where there is no relinquishment of the biological parent) must include this decree
20. **‘Cédula de Identidad’:** Guatemalan Government issued ID.
21. **‘Previo’:** form issued by PGN similar to an I-72 requesting the attorney to submit documents to PGN.

Other forms used:

1. **Form I-130:** Petition for Alien Relative
2. **Form I-485:** Petition to Register Permanent Residence or Adjust Status
3. **Form I-765:** Petition for Employment Authorization
4. **Form I-864 --** Affidavit of Support Under Section 213A of the Act
5. **Form N-400 --** Petition for Naturalization
6. **Form N-600 --** Petition for Certificate of Citizenship
7. **Form N-600A --** Supplement to the N-600 or N-643. This form is used by the citizen parent to document the physical presence of his or her citizen parent -- the child’s grandparent-- in the United States.
8. **Form N-643 --** Petition for Certificate of Citizenship on Behalf of an Adopted Child

TERMS

1. **Orphan:** is defined in section 101(b)(1)(F) of the Immigration and Naturalization Act as “a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from both parents, or for whom the sole or surviving parent is

incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a U.S. citizen and spouse jointly, or by an unmarried U.S. citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a U.S. citizen and spouse jointly, or by an unmarried U.S. citizen at least twenty-five years of age, who have or has complied with the pre-adoption requirements, if any, of the child's proposed residence: Provided, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: Provided further, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act." Public Law 106-139, signed by the President on December 7, 1999, amended section 101(b)(1)(F) of the Act to include the natural sibling of a previously adopted child, when the sibling has been adopted abroad or is coming to the United States for adoption by the same United States citizen parent(s) or prospective parent(s), if the child is under the age of 18 when the petition to accord a classification as an immediate relative under section 201(b) of the Act is filed on his or her behalf.

2. **Adopted Child:** defined in section 101(b)(1)(E) of the Act as "a child adopted while under the age of sixteen years who has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years: Provided, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter." Public Law 106-139, signed by the President on December 7, 1999, amended section 101(b)(1)(E) of the Act to add that a child who is a natural sibling of an adopted child described above, and who was adopted by the adoptive parent or parents of the sibling while the child was under the age of eighteen, is also a "child" as defined by the Act. The child must otherwise fall under the definition of a child under paragraph (E) except that the child was adopted while under the age of eighteen.
3. **Abandonment:** Is the formal legal surrendering of a parent's parental rights in relation to a child, which is unconditional and, in particular, does not involve the transfer of the child to a specific adoptive couple. In Guatemala, the Courts must have determined the child to be abandoned in order for the child to be recognized as abandoned for adoption purposes. A Guatemalan court generally will not find a child to have been abandoned for purposes of Guatemalan law if there is a surviving close relative other than the abandoning parent(s) who is willing and able to care for the child.
4. **Relinquishment:** Is the formal legal act of a sole parent (the mother of a child born out of wedlock) or of a surviving parent (either the father or the mother, if the other parent is dead), irrevocably giving up custody of a child for purposes of the child's adoption and emigration.

5. **Relinquishing parent:** The sole surviving parent who has performed or is willing to perform an act of relinquishment.
6. **Panel of Physicians:** a group of physicians authorized by the U.S. Embassy to perform medical exams and take DNA samples.